

ARTICLE 4-07

ORGANIZATION OF HUMAN RESOURCE MANAGEMENT SERVICES

Chapter

4-07-01	Organization of Human Resource Management Services
4-07-02	Salary Administration Procedures
4-07-03	Classification Plan
4-07-04	Compensation Plan
4-07-05	Recruitment and Selection
4-07-06	Probationary Period
4-07-07	Working Hours and Holidays
4-07-08	Working and Inclement Weather Conditions
4-07-09	Transfers, Annual Leave and Sick Leave Hours
4-07-10	Performance Management
4-07-11	Reduction-in-Force
4-07-12	Annual Leave
4-07-13	Sick Leave
4-07-14	Funeral Leave
4-07-15	Leave Without Pay
4-07-16	Jury and Witness Leave
4-07-17	Workers' Compensation and Leave
4-07-18	Service Award Programs
4-07-19	Disciplinary Actions
4-07-20	Grievance Procedures
4-07-20.1	Appeals of Employer Actions
4-07-20.2	Appeals of Discrimination
4-07-21	Alternative Dispute Resolution
4-07-22	Merit System Vacancy Announcements
4-07-23	Merit System Agencies and Veterans' Preference Documentation
4-07-24	Merit System Applications and Appeals
4-07-25	Merit System Examinations
4-07-26	Merit System Registers [Repealed]
4-07-27	Merit System Certificates of Eligibles [Repealed]
4-07-28	Merit System Employment Status
4-07-29	Merit System Internal Applicant Review [Repealed]
4-07-30	Merit System Promotions
4-07-31	Merit System Transfers
4-07-32	Merit System Reclassifications [Superseded]
4-07-33	Merit System Reinstatements
4-07-34	Merit System Oversight and Audit Procedures
4-07-35	Severability

CHAPTER 4-07-01

ORGANIZATION OF HUMAN RESOURCE MANAGEMENT SERVICES

Section

4-07-01-01	History, Functions, Organization of Human Resource Management Services
------------	--

4-07-01-02
4-07-01-03

Organization and Functions Subject to Chapter 28-32
Methods the Public May Use to Obtain Information

4-07-01-01. History, functions, organization of human resource management services.

1. History of human resource management services.

- a. The 1975 legislative assembly passed a Central Personnel System Act, codified as North Dakota Century Code chapter 54-44.3. The Act created the central personnel division as well as the state personnel board. The division was to establish and maintain classification and compensation plans as well as establish general policies and rules, which were to be binding on the affected agencies, relating to a unified system of personnel administration for the employees in the classified service of the state.
- b. From its beginning in 1975, the central personnel division developed general personnel policies in response to the requirements for a unified system of personnel administration, requests from the state personnel board, requests from agencies or other officials in the executive branch, changed requirements in state or federal laws, and various decisions of the courts. These policies were discussed at meetings of the state personnel board. If a particular policy was approved by the board, the division would then act to include it within the North Dakota personnel policies manual. Policies approved and adopted in this way were then distributed to all state agencies.
- c. The policies included in the North Dakota personnel policies manual were to be followed by all agencies with classified employees. More specifically, merit system agencies were to strictly follow the policies, but nonmerit system agencies were advised that the policies formed a "base" for the development of the agencies own policies and procedures.
- d. In July of 1981 then Governor Allen Olson issued executive order number 1981-10. That executive order portrayed the North Dakota personnel policies manual as providing the assurance that classified employees would be treated fairly and uniformly if the policies were followed. The executive order identified the state personnel board as the agency that would hold public meetings to receive comments and approve revisions to the policies. Governor Olson also ordered that agencies headed by a gubernatorial appointee adhere to and follow the policies, including the statewide appeal mechanism.
- e. However, by late 1986 that manner of personnel policy implementation and its "legality" and effect on various agencies

had been challenged before the North Dakota supreme court. By 1990 in order for the division to carry out its statutory purpose of establishing a unified system of personnel administration for the classified service of the state, it was apparent that certain policies had to be adopted as rules in accordance with North Dakota Century Code section 28-32-02.

- f. In 2003 the legislative assembly approved changing the name of the central personnel division to human resource management services.

2. **Functions of human resource management services.** The division establishes, maintains, and revises classification and compensation plans. It assigns position classifications and pay grades and establishes and maintains required records for all employees in the classified service. The division certifies appeals on employee grievances relating to demotion, suspension without pay, reduction-in-force, forced relocation, reprisal action, discrimination, merit system qualification, and dismissal. It also certifies appeals from applicants for positions in the classified service who allege discrimination. It assists appointing authorities and agencies with selection and grievance procedures. The division coordinates and conducts training programs. It ensures salaries are paid consistent with the state's classification system, compensation plan, and salary administration policy, and consults with state agencies regarding salary administration. It establishes and administers a cooperative education or internship program open to college students. The division provides information, consultative advice, tools and methodology, and other services to promote the development of a unified system of human resource administration. The division also serves as secretariat to the state personnel board.

3. **Organization of human resource management services.**

- a. Human resource management services is a division of the office of management and budget. The division is separate from the state personnel board, although the division and board work closely together on classification and pay grade issues. The division and the board each adopts its own rules.
- b. Human resource management services has a director and a staff. The director is appointed by and serves at the pleasure of the director of the office of management and budget. The director is responsible for the performance of the division as it exercises its duties and functions. A staff of professional and administrative employees assists the director. The staff are assigned to one of the

following areas: administration, classification and compensation, employment services, and training and development.

History: Effective March 1, 1991; amended effective July 1, 1995; November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-01, 54-44.3-11, 54-44.3-12

4-07-01-02. Organization and functions subject to chapter 28-32. The portions of human resource management services' organization and functions that are subject to North Dakota Century Code chapter 28-32 are those that involve its authority to adopt policies and rules relating to a unified system of personnel administration which impose requirements on other agencies. Human resource management services has the authority to adopt policies, rules, and procedures in three areas:

1. Subsection 1 of North Dakota Century Code section 54-44.3-12 provides the authority to establish general policies, rules, and regulations which are binding on the agencies affected, including those grant-aided agencies that receive federal funds. The rules referred to in this regard must ensure fairness, enhance greater uniformity in personnel management matters, and include rules on establishing and maintaining the classification and compensation plans.
2. Subsection 7 of North Dakota Century Code section 54-44.3-12 provides the authority to develop procedures that must be followed by all state agencies and institutions regarding salary administration for all employees in the classified service.
3. Subsection 13 of North Dakota Century Code section 54-44.3-12 provides the authority for the director of human resource management services to adopt rules, subject to the approval of the board, to ensure compliance with and resolve compliance issues relating to agencies required by state or federal law or rule to be subject to a merit personnel system.

History: Effective March 1, 1991; amended effective November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12(1)

Law Implemented: NDCC 54-44.3-12(1), 54-44.3-12(7)

4-07-01-03. Methods the public may use to obtain information. The public may obtain information, furnish information, or make requests to human resource management services concerning any of its functions or rules by writing to:

Human Resource Management Services
Capitol Building 14th Floor
600 East Boulevard Avenue, Dept. 113
Bismarck, ND 58505-0120

Telephone inquiries may be made by calling 701-328-3290 between eight a.m. and five p.m. Monday through Friday.

History: Effective March 1, 1991; amended effective July 1, 1995; November 1, 1996; July 1, 2004.

General Authority: NDCC 54-44.3-12

Law Implemented: NDCC 54-44.3-01, 54-44.3-12